

STATE OF MAINE

SUPREME JUDICIAL COURT

Docket No. Bar-90-9

BOARD OF OVERSEERS OF THE BAR )

v. )

NEIL D. MacKERRON )

OPINION AND ORDER

On or about March 27, 1990, the Board of Overseers of the Bar (Board), pursuant to Maine Bar Rules 7(e)(4) and 7(e)(6)(A), (D) and (H), filed an information alleging that by engaging in conduct unworthy of an attorney as set forth in the four counts of the information the respondent, Neil D. MacKerron, had violated Maine Bar Rules 3.1(a); 3.2(f)(3) and (4); 3.6(D); 3.7(a), (b), (e)(1)(i) and (h)(2); and 3.9(a) and (b).

The first count is based on the alleged inconsistencies between the schedule of assets and liabilities filed by MacKerron in his bankruptcy proceedings in the State of Florida, the answer and affirmative allegations made in that answer filed by MacKerron in a forcible entry and detainer action contemporaneously pending against him in the District Court at Bridgton, and certain items advertised for sale by MacKerron during the same time period. The other three counts are in reference to an action filed by the respondent against Thomas Powers, Esq., and a grievance against Thomas Powers, Esq., filed by the respondent with the Board of Overseers of the Bar.

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This matter came on for hearing before this Court on June 26, 1990, with the Board being represented by assistant bar counsel, Karen G. Kingsley, Esq., and the respondent appearing pro se. The parties stipulated that certain facts relative to the allegations set forth in the information and exhibits attached to the information, together with the respondent's exhibits which were admitted at the Grievance Commission hearing held on October 5, 1989, be admitted as evidence in the instant matter.

The Court has carefully reviewed all the exhibits and other evidence in this matter and is not persuaded that the respondent misrepresented his assets and liabilities in his bankruptcy proceedings in the State of Florida nor engaged in false advertising as alleged in Count One of the information. The Court finds that the respondent did institute legal proceedings and file a grievance with the Board against Thomas Powers, Esq., for the purposes of effecting the withdrawal of Thomas Powers, Esq., as attorney for the plaintiff in a then pending action against the respondent and gaining an advantage in said pending action and for the further purposes of delay of said pending action and harassment of Thomas Powers, Esq., as alleged in Counts II, III and IV of the information in violation of Rules 3.1(a), 3.2(f)(4), 3.6(d), 3.7(a) and 3.7(d)(1)(i).

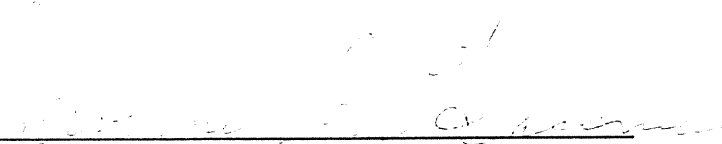
In view of the fact that respondent has previously been publicly reprimanded by the Board, been suspended from the practice of law by an order of this Court and publicly reprimanded and monetary sanctions having been imposed by this Court for violation of the said order of suspension, this Court is persuaded that the violations found herein require that the

respondent be disbarred. See M. Bar R. 2(a).

It is ORDERED and ADJUDGED that Neil D. MacKerron be, and he is hereby, disbarred from the practice of law in the State of Maine, effective as of the date of this order, on condition that he may petition the Court for reinstatement after two (2) years from the date of this order.

It is further ORDERED that Neil D. MacKerron comply with the provisions of Maine Bar Rule 7(n).

Dated: July 19, 1990

  
Justice, Supreme Judicial Court

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